

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA	}	CRIMINAL ACTION NO. 04-10235-MLW
	}	
V.	}	
CORY HUBBARD	}	
DEFENDANT	}	

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**DEFENDANT'S MOTION TO CONTINUE HEARING ON MOTION TO  
SUPPRESS**

Now comes the defendant, Cory Hubbard, in the above-captioned matter, and hereby asks this Honorable Court to continue the Motion to Suppress hearing that is currently scheduled for April 21, 2005. The reasons are as follows:

1. The Defendant was initially represented by prior counsel on this matter.
2. The undersigned counsel filed his appearance and predecessor counsel was terminated on January 19, 2005.
3. Defense counsel requested and was granted an extension of the motion to suppress deadline from January 14, 2005 to January 21, 2005.
4. A discovery letter was sent to the government and filed on March 29, 2005 requesting certain information pertaining to the investigation and issuance of the search warrant that resulted in the seizure of contraband and the subsequent indictment of the Defendant.
5. The government's response to this letter indicates its opposition to the disclosure of this information (see: Government's Response Letter dated April 8, 2005).
6. As a result of the government's position, the Defendant is intending to file a Motion For Discovery pursuant to Local Rule 116.3 and if necessary, a Motion to Re-Open/Enlarge Time for Discovery due to the Initial Scheduling Order dated August 20, 2004.
7. The basis for the anticipated Defendant's Motion For Discovery is Local Rule 116.2 (A)(2) and Rule 16.

8. On April 14, 2005, undersigned counsel was informed by AUSA Robert Richardson that the government would assent to the continuance of the Motion to Suppress hearing.<sup>1</sup>

9. Given the outstanding issues, it appears that the Motion to Suppress hearing should be continued to a time after these issues can be decided.

10. Additionally, counsel for the Defendant would request that the review of the detention order maintain the current scheduled date.

WHEREFOR, the Defendant respectfully requests that the Motion to Suppress hearing be continued from April 21, 2005 to a date this Court deems appropriate in order to resolve all outstanding issues.

Respectfully Submitted,  
Cory Hubbard,  
By His Attorney,

/s/ Frank D. Camera  
Frank D. Camera, Esq.  
B.B.O. #635930  
56 N. Main Street #321  
Fall River, MA 02720  
508-677-2878

Dated: April 15, 2005

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<sup>1</sup> The Assistant United States Attorney on behalf of the government, despite his assent to the continuance, does not waive any objection to or defense(s) it intends to raise as a result of the reasons for Defendant's continuance request.

CERTIFICATE OF SERVICE

I, Frank D. Camera, counsel for Cory Hubbard, hereby certify that on April 15, 2005, a true copy of the within document was served upon Assistant U.S. Attorney Robert Richardson by ECF/Mailing.

/s/ Frank D. Camera

Frank D. Camera